

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SCOTT and RHONDA SOUSLEY,  
and INNOVATIVE MEDICINE, P.C.,

Plaintiffs,

No. 13-13950

vs.

Hon. Gerald E. Rosen

AMBER WILLIAMS, et al.,

Defendants.

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ORDER DENYING DEFENDANTS MILLS AND NCCAOM'S  
MOTION TO DISMISS COMPLAINT AS MOOT

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on May 06, 2014

PRESENT: Honorable Gerald E. Rosen  
United States District Chief Judge

On October 30, 2013, Defendants Stephanie S. Mills and the National Certification Commission for Acupuncture and Oriental Medicine, Inc. ("NCCAOM"), filed the instant Motion to Dismiss Plaintiffs' Complaint as against these two defendants for failure to state a claim upon which relief may be granted pursuant to Fed. R. Civ. P. 12(b)(6). Specifically, these Defendants sought the dismissal of Counts XIII, XIV, XVI, and XVIII of Plaintiffs' Complaint, which allege claims of defamation, negligence, respondeat superior liability, and injunctive relief.

However, on November 15, 2013, Plaintiffs filed an Amended Complaint which

no longer named Stephanie Mills as a defendant and alleged no claims of defamation, no claims of negligence, or respondeat superior liability against Defendant NCCAOM, and no claim for injunctive relief. The Amended Complaint supersedes and supplants Plaintiffs' original Complaint. The claims of which Defendants Mills and NCCAOM sought dismissal no longer exist in this action. Therefore,

IT IS HEREBY ORDERED that Defendants' October 30, 2013 Motion to Dismiss [Dkt. # 29] is denied as MOOT.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: May 6, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 6, 2014, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5135